



Signed and Filed: January 28, 2021

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re)	Bankruptcy Case No.
)	20-30242-HLB
ANTHONY SCOTT LEVANDOWSKI,)	
)	Chapter 11
)	
Debtor.)	
)	
)	
ANTHONY SCOTT LEVANDOWSKI)	Adversary Case No. 20-03050-HLB
)	
Plaintiff,)	
)	
v.)	
)	
UBER TECHNOLOGIES, INC.,)	
)	
Defendant.)	
)	

MEMORANDUM DECISION RE DISCOVERY DISPUTE

The court has reviewed the January 25, 2021, letter from Brett M. Schuman, Esq., counsel for Anthony Levandowski and the January 27, 2021, letter from Debra Grassgreen, Esq., counsel for

1 Uber Technologies, Inc.¹ Based upon the arguments presented,
2 the court rules as follows:

3 1) Uber should produce the documents it committed to
4 produce during the January 21, 2021, hearing no later than
5 January 29, 2021, unless Mr. Levandowski agrees to a later date.

6 2) Uber should ensure that documents in Morrison &
7 Foerster's possession, and referred to during the January 21
8 hearing, are produced no later than February 5, 2021, unless Mr.
9 Levandowski agrees to a later date.

10 3) The court will take no position on the so-called
11 "Topic 8" debate because it appears to be much more complicated
12 than can be summarized in two short letter briefs and does not
13 appear to have been separately identified to in the prior letter
14 briefing. Uber's proposal to produce two witnesses who have
15 testified about those topics appears reasonable and, given the
16 state of the record and this court's limited familiarity with
17 the case, does not justify any further relief to Mr. Levandowski
18 on this subject at present.

19 4) The court will defer Mr. Levandowski's request to
20 recall witnesses and instead will rely on Uber's counsel's
21 representation that she will meet and confer with Mr.
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24 ¹ The court also received the January 26, 2021, letter from John W. Berry,
25 Esq., counsel for Google, LLC, but did not consider the merits of that
26 letter. When asked by Judge Blumenstiel to deal with these discovery
27 matters, the court was aware that Google had intervened in this adversary
28 proceeding but was not involved in the specific dispute. It must recuse
itself from any dispute involving Google. Mr. Barry's letter satisfies the
court that rendering the January 21 oral ruling and this decision do not
directly implicate or affect Google. If there are further disputes in this
adversary proceeding that directly impact Google, this court will not be
involved in resolving them.

1 Levandowski's counsel if there is a good faith basis for further
2 questioning of Mr. Poetzscher.

3 5) The court makes no comment about the penultimate
4 paragraph of Ms. Grassgreen's letter that appears to respond to
5 the final paragraph of Mr. Schuman's letter.

6 6) Counsel for Mr. Levandowski should prepare a form of
7 written order memorializing the court's January 21, 2021 oral
8 ruling (as she offered to do during the hearing) and this
9 Memorandum Decision, and submit that proposed order to counsel
10 for Uber for approval as to form and upload it when approved.
11 If Uber's counsel is unwilling or unable to agree to the form of
12 order, she should upload an alternative form, marked in redline
13 against Mr. Levandowski's proposed form, without argument.
14 Orders being produced in accordance with this paragraph should
15 be uploaded in the ECF system in the normal fashion, but Judge
16 Blumenstiel's courtroom deputy, Mr. Benjamin Gapuz, should be
17 advised of that fact so that he can route those orders to this
18 court for signature.

19 **END OF MEMORANDUM DECISION**
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COURT SERVICE LIST

ECF Recipients